

PTO-1390 (REV. 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 38163-0194US03	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/529,401	
INTERNATIONAL APPLICATION NO. PCT/US03/030032		INTERNATIONAL FILING DATE 26 September 2003 (26.09.2003)		PRIORITY DATE CLAIMED 27 September 2002 (27.09.2002)	
TITLE OF INVENTION METHODS AND DEVICES FOR INTRAMUSCULAR STIMULATION OF UPPER AIRWAY AND SWALLOWING MUSCLE GROUPS					
APPLICANT(S) FOR DO/EO/US Christy L. LUDLOW, Eric MANN, Theresa BURNETT, and Steven BIELAMOWICZ					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> had been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).					
Items 11 to 20. below concern document(s) or information included:					
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included 13. <input type="checkbox"/> A FIRST preliminary amendment. 14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A change of power of attorney and/or address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 132 and 35 U.S.C. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4) 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: copy of Notice (dated 8/1/05); Supplemental Response to Missing Requirements (mailed 8/1/05); Supplemental Application Data Sheet					

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.7) 10/529,401		INTERNATIONAL APPLICATION NO. PCT/US03/030032		ATTORNEY'S DOCKET NUMBER 38163-0194US03	
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21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1)-(5)): Basic National Stage Fee \$300.00 National Stage Search Fee \$500.00 National Stage Examination Fee \$500.00 <div style="text-align: center;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>				CALCULATIONS PTO USE ONLY	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x \$50.00	\$	
Independent claims	- 3 =		x \$200.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00		
TOTAL OF ABOVE CALCULATIONS =				\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclose assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
TOTAL FEES ENCLOSED =				\$ 1,590.00 (w/4 month EOT)	
				Amount to be refunded:	\$
				charged:	\$

a. ☒ A check in the amount of \$1,590.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees.

A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment

To Deposit Account No. 08-1641 A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

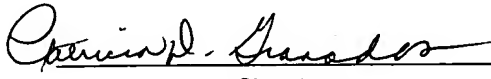
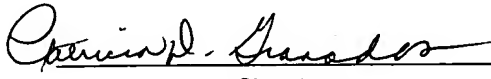
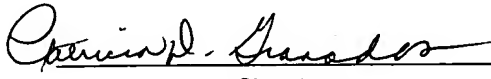
HELLER EHRMAN LLP
 1717 Rhode Island Avenue, N.W.
 Washington, DC 20036
 Phone: (202) 912-2000
 Fax: (202) 912-2020
 Customer No. 26633

SIGNATURE

 NAME
 Patricia D. Granados
 REGISTRATION NUMBER
 33,683

Date
 1/4/06

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) 38163-0194US03																
In re Application of Christy L. LUDLOW et al.																		
Application Number 10/529,401		Filed March 28, 2005																
For Methods and Devices for Intramuscular Stimulation of Upper Airway and Swallowing Muscle Groups																		
Group Art Unit Unassigned	Examiner Unassigned																	
<p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response in the above identified application.</p> <p>The requested extension and appropriate non-small-entity fee are as follows (check time period desired):</p> <table style="width: 100%;"><tr><td><input type="checkbox"/> One month (37 CFR 1.17(a)(1))</td><td style="text-align: right;">\$ _____</td></tr><tr><td><input type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td><td style="text-align: right;">\$ _____</td></tr><tr><td><input type="checkbox"/> Three months (37 CFR 1.17(a)(3))</td><td style="text-align: right;">\$ _____</td></tr><tr><td><input checked="" type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td><td style="text-align: right;">\$1,590</td></tr><tr><td><input type="checkbox"/> Five months (37 CFR 1.17(a)(5))</td><td style="text-align: right;">\$ _____</td></tr></table> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____.</p> <p><input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>08-1641</u>.</p> <p>I have enclosed a duplicate copy of this sheet.</p> <p>I am the <input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71</p> <p style="padding-left: 40px;">Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).</p> <p><input checked="" type="checkbox"/> attorney or agent of record.</p> <p><input type="checkbox"/> attorney or agent under 37 CFR 1.34(a).</p> <p style="padding-left: 40px;">Registration number if acting under 37 CFR 1.34(a). _____.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <table style="width: 100%;"><tr><td style="width: 50%; text-align: center;"><u>January 4, 2006</u> Date</td><td style="width: 50%; text-align: center;"> Signature</td></tr><tr><td></td><td style="text-align: center;">Patricia D. Granados, Reg. No. 33,683 Customer No. 26633</td></tr><tr><td></td><td style="text-align: center;">_____ Typed or printed name</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____	<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____	<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ _____	<input checked="" type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1,590	<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ _____	<u>January 4, 2006</u> Date	 Signature		Patricia D. Granados, Reg. No. 33,683 Customer No. 26633		_____ Typed or printed name
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____																	
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____																	
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ _____																	
<input checked="" type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1,590																	
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ _____																	
<u>January 4, 2006</u> Date	 Signature																	
	Patricia D. Granados, Reg. No. 33,683 Customer No. 26633																	
	_____ Typed or printed name																	

01/06/2006 LLANDG:A 00000037 10529401

01 FC:1254

1590.00 0P

COMBINED FEE TRANSMITTAL for FY 2005

Effective 12/08/2004. Patent fees are subject to annual revision.

PTO/SB/17 (12-04) (Revised) (For payment of 37 CFR 1.17 fees including (f), (g), (h), & (i))

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,590.00

Complete if Known

Application Number	10/529,401
Filing Date	March 28, 2005
First Named Inventor	Christy L. LUDLOW et al.
Examiner Name	Unassigned
Art Unit	Unassigned
Attorney Docket No.	38163-0019US3

METHOD OF PAYMENT (check one)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☐ Deposit Account

Deposit Account Number: 08-1641

Deposit Account Name: Heller Ehrman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below

☒ Credit any overpayments and charge any deficiencies

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the deposit account

FEE CALCULATION (continued)

4. PETITION FEES UNDER 37 CFR 1.17 (f) Fee Paid
 Fee Code: 1462 Fee \$ 400 For petitions filed under:
 § 1.53(e); § 1.57(a); § 1.182; § 1.183; § 1.378(e); § 1.741(b)

5. PETITION FEES UNDER 37 CFR 1.17 (g) Fee Paid
 Fee Code: 1463 Fee \$ 200 For petitions filed under:
 § 1.12; § 1.14; § 1.47; § 1.59; § 1.103(a); § 1.136(b); § 1.295; § 1.296; § 1.377; § 1.550(c); § 1.956; § 5.12; § 5.15; § 5.25

6. PETITION FEES UNDER 37 CFR 1.17 (h) Fee Paid
 Fee Code: 1464 Fee \$ 130 For petitions filed under:
 § 1.19(g); § 1.84; § 1.91; § 1.102(d); § 1.138(c); § 1.313; § 1.314

7. PROCESSING FEES UNDER 37 CFR 1.17 (i) Fee Paid
 Fee Code: 1808 (1803 for § 1.221) Fee \$ 130 For petitions filed under:
 § 1.28(c)(3); § 1.41; § 1.48; § 1.52(d); § 1.53(b)(3); § 1.55; § 1.99(e); § 1.103(b); § 1.103(c); § 1.103(d); § 1.217; § 1.221; § 1.291(c)(5); § 1.497(d); § 3.81

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
Applicati on Type	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	135	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
SUBTOTAL (1)					\$		

2. EXTRA CLAIM FEES

Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
50	25	Each claim in excess of 20 or, for Reissues, each claim in excess of 20 and more than in the original patent
200	100	Each independent claim in excess of 3 or, for Reissues, each independent claim more than in the original patent
360	180	Multiple dependent claim, if not already paid

Extra Claims		Fee from above	Fee Paid
Total Claims	-20** =	50	
Independent Claims	-3** =	4	

**or number previously paid, if greater: For Reissues see below

Multiple Dependent =

SUBTOTAL (2) \$

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof (round up to the a whole number). See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s)

Total Sheets	Extra Sheets	Number of each additional 50	Fee (\$)	Small Entity Fee (\$)
-100 =	/50 =	50	x 250 OR x 125	

SUBTOTAL (3) \$

8. OTHER FEES

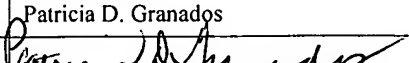
Entity Fee (\$)	Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for <i>ex parte</i> reexamination	
920*	920*	Requesting publication of SIR prior to Examiner action	
1,840*	1,840*	Requesting publication of SIR after Examiner action	
120	60	Extension for reply within first month	
450	225	Extension for reply within second month	
1,020	510	Extension for reply within third month	
1,590	795	Extension for reply within fourth month	1,590
2,160	1,080	Extension for reply within fifth month	
500	250	Filing a brief in support of an appeal	
790	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1,510	1,510	Petition to institute a public use proceeding	
500	250	Petition to revive - unavoidably abandoned application	
1,500	750	Petition to revive - unintentionally abandoned application	
50	50	Processing fee for provisional appls (37 CFR 1.17(q))	
180	180	Submission of Information Disclosure Statement	
1,000	500	Request for oral hearing	
790	395	For each additional invention to be examined (37 CFR 1.129(b))	
790	395	Request for Continued Examination (RCE)	
900	900	Request for expedited examination of a design application	

Other fee (specify)

SUBTOTAL (4+5+6+7+8) \$ 1,590.00

* Reduced by Basic Filing Fee Paid

SUBMITTED BY

Name (Print/Type) Patricia D. Granados
 Signature 
 Registration No. (Attorney/Agent) 33,683
 Date Jan 4 2006

Complete (if applicable)

Telephone 202-912-2000
 Customer No. 26633

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) Christy L. LUDLOW et al. Confirmation No.: 6746
Appl. No.: 10/529,401 Group Art Unit: Unassigned
Filing Date: March 28, 2005 Examiner: Unassigned
Title: METHODS AND DEVICES FOR INTRAMUSCULAR STIMULATION OF
UPPER AIRWAY AND SWALLOWING MUSCLE GROUPS

**SUPPLEMENTAL RESPONSE TO NOTIFICATION
OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication responds to the Notification of Missing Requirements mailed August 1, 2005, in the above-captioned application. Applicants submitted an initial response on September 30, 2005, providing the Patent Office with an Associate Power of Attorney. Applicants submit herewith the required Declaration and Power of Attorney. Applicants also submit a request for a four (4) month extension of time.

The required \$130.00 filing fee under 37 CFR 1.492(e) was provided with the initial filing on September 30, 2005.

Applicants believe the appropriate fees are attached, however, the Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 08-1641.

Respectfully submitted,

Date: Jan 4, 2006

HELLER EHRMAN LLP
1717 Rhode Island Avenue, NW
Washington, D.C. 20036
Phone: 202-912-2000
Fax: 202-912-2020

Patricia D. Granados

Patricia D. Granados
Reg. No. 33,683
Attorney for Applicant

Customer No. 26633



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/529,401	Christy L Ludlow	38163-0194US03

INTERNATIONAL APPLICATION NO.

PCT/US03/30032

IA. FILING DATE

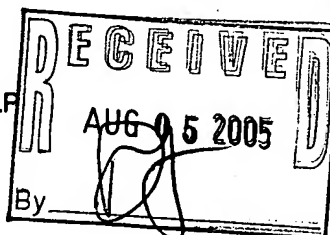
PRIORITY DATE

09/26/2003

09/27/2002

26633

HELLER EHRMAN WHITE & MCAULIFFE LLP
 1717 RHODE ISLAND AVE, NW
 WASHINGTON, DC 20036-3001



CONFIRMATION NO. 6746

371 FORMALITIES LETTER



OC000000016661101

Date Mailed: 08/01/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/28/2005
- Copy of the International Search Report filed on 03/28/2005
- Preliminary Amendments filed on 03/28/2005
- Information Disclosure Statements filed on 03/28/2005
- U.S. Basic National Fees filed on 03/28/2005
- Substitute Specification filed on 03/28/2005
- Priority Documents filed on 03/28/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity: _____

- \$130 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/529,401	PCT/US03/30032	38163-0194US03

FORM PCT/DO/EO/905 (371 Formalities Notice)